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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 PAUL SIMONDS,) CASE NO. C07-0536-MJP
09 Plaintiff,)
10 v.) REPORT AND RECOMMENDATION
11 JUDGE CANBY, et al.,)
12 Defendants.)
13

14 INTRODUCTION AND SUMMARY CONCLUSION

15 Plaintiff Paul Simonds submitted an *in forma pauperis* (IFP) application and what appears
16 to be a 42 U.S.C. § 1983 complaint raising claims against various judges. (Dkt. 1.) Plaintiff's
17 complaint consists of a jumble of legal phrases and references, with no discernible factual or legal
18 basis provided for his claims. Nor does it provide a specific request for relief.

19 Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court may deny an application to proceed IFP
20 and should dismiss an action if, among other things, it is frivolous or the complaint fails to state
21 a claim upon which relief can be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(i)-(ii); *O'Loughlin v.*
22 *Doe*, 920 F.2d 614, 616 (9th Cir. 1990). An action is frivolous if "it lacks an arguable basis either

01 in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

02 Here, plaintiff fails to allege any facts to place defendants on notice of the nature of his
03 claims, to properly request relief, or to otherwise provide any basis for jurisdiction in this Court.
04 *See* Fed. R. Civ. P. 8(a). The complaint also appears to name as defendants governmental actors
05 who enjoy immunity from suit. *See, e.g., Imbler v. Pachtman*, 424 U.S. 409, 427 (1976); *Fry v.*
06 *Melaragno*, 939 F.2d 832, 835-36 (9th Cir. 1991) (citing *Mitchell v. Forsyth*, 472 U.S. 511, 520
07 (1985)). Because this action appears frivolous and fails to state a claim upon which relief can be
08 granted, it is subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) and Federal Rule of Civil
09 Procedure 12(b)(6).

10 It should also be noted that a number of other cases filed by plaintiff in this Court have
11 been deemed frivolous. *See, e.g., Simonds v. Zilly*, No. C06-1385-RSL (Dkt. 7); *Simonds v.*
12 *Canby*, No. C06-1383-JCC (Dkts. 2 & 6); *Simonds v. Fox*, No. 06-1384-RSM (Dkts. 2 & 11).
13 The Court advises plaintiff of his responsibility to research the facts and law before filing an action
14 to determine whether his action is frivolous. If he files a frivolous action, he may be sanctioned.
15 *See* Fed. R. Civ. P. 11. The court would likely impose a sanction of dismissal on any frivolous
16 action. If plaintiff files numerous frivolous or malicious actions, the court may bar him from
17 proceeding IFP in this court. *See DeLong v. Hennessey*, 912 F.2d 1144, 1146-48 (9th Cir. 1990)
18 (discussing bar order requirements).

19 Accordingly, because of the deficiencies in plaintiff’s IFP application and complaint, his
20 request to proceed IFP should be denied and this action dismissed without prejudice. *See* 28
21 U.S.C. § 1915(e)(2)(B). A proposed Order of Dismissal accompanies this Report and

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01 Recommendation.

02 DATED this 26th day of April, 2007.

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04 Mary Alice Theiler
05 United States Magistrate Judge
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